

MINUTES
GREEN BAY PLAN COMMISSION
Monday, August 10, 2015
City Hall, Room 604
6:00 p.m.

MEMBERS PRESENT: Maribeth Conard–Chair, Sid Bremer, Ald. Jerry Wiezbiskie, Tim Gilbert, and Tim Duckett

MEMBERS EXCUSED: Linda Queoff – Vice Chair and Heather Mueller

OTHERS PRESENT: Kim Flom, Paul Neumeyer, Stephanie Hummel, Dan Pamperin, Ald. Tim De Wane, Ald. Mark Steuer, and Bob Mach

APPROVAL OF MINUTES:

Approval of the minutes from the July 13, 2015, Plan Commission meeting

A motion was made by Ald. J. Wiezbiskie and seconded by T. Duckett to approve the minutes from the July 13, 2015, Plan Commission meeting with the following underlined revisions:

S. Bremer stated clarification was needed for the following items: Page 2, 1st paragraph, which should read; "Ald. Tim De Wane also spoke to neighbors..." Page 2, 5th paragraph, the last line should read: "Statutory Requirements do not require Staff to provide notices for the Comp Plan Amendment." and Page 3, 7th paragraph should read "no exposed mechanical areas..."

Motion carried.

PUBLIC HEARING:

1. (CPA 15-03) A request to amend the City of Green Bay Comprehensive Plan future land use recommendation for properties generally located in the 1500 Block of East Mason Street and Kimball Street, and the 500 Block of John Street from Low Density Housing (LH) to Commercial (C) (Figure 22-5), submitted by Dan Pamperin, Packerland Shell. (Ald. Tim. De Wane, District 4)

M. Conard stated the information for the public hearing has been properly posted and public notification has been published in the Green Bay Press Gazette. The GBPC is interested in hearing public comments on this subject agenda item. Rules and regulations were then read and explained to the public regarding the hearing. The Public Hearing was then opened.

Dan Pamperin: 396 Talu Ct, De Pere: D. Pamperin stated they are looking to expand their zoning from seven lots to include six more lots to overlay the entire block between John Street, Kimball Street, and Bellevue Street along East Mason.

M. Conard asked three additional times if anyone wished to speak. There were no other public comments. The public hearing was then closed.

COMMUNICATIONS:

2. A request by Ald. Tim De Wane to review the ordinance that notifies home owners within 200 ft. of a rezoning of City/private property.

A motion was made by S. Bremer and seconded by T. Gilbert to refer to staff a request by Ald. Tim De Wane to review the ordinance that notifies home owners within 200 ft. of a rezoning of City/private property with the recommendations that staff expand the notification area, notices are sent for both zoning and Comp Plan, and involve the Alderman for that district.

OLD BUSINESS:

NEW BUSINESS:

3. (CPA 15-03) Discussion and action on the request to amend the City of Green Bay Comprehensive Plan future land use recommendation for properties generally located in the 1500 Block of East Mason Street and Kimball Street, and the 500 Block of John Street from Low Density Housing (LDH) to Commercial (C) (Figure 22-5), submitted by Dan Pamperin, Packerland Shell. (Ald. Tim De Wane, District 4)

P. Neumeyer stated this is a sister request to a previous Comp Plan amendment from late April. That request consisted of six parcels along East Mason, Bellevue, and Kimball Streets in which the Comprehensive Plan recommended Low Density Housing (LDH) and was amended to Commercial (C). This request will include the balance of the block with John Street on the western limit, between Kimball and E. Mason Street. There is also a related rezoning request and Planned Unit Development (PUD) amendment, which is also on this agenda. The main reason for this request is for the expansion of a future carwash, which was not included in the original request. Affected property owners within 200 ft. of the subject area were notified of the request. No calls or questions were received regarding the request. A neighborhood meeting was conducted to address concerns neighbors might have, with no negative feedback. Staff is recommending approval of the request to expand the Commercial land uses and future rezoning to commercial to include an expansion of the adjoining PUD.

S. Bremer and P. Neumeyer discussed information regarding the Neighborhood meeting to include what was discussed at the meeting and who attended the meeting and how neighbors were notified of the meeting.

S. Bremer then asked if the meeting was intended to discuss the initial 60 percent of the block or the entire block. P. Neumeyer stated it was intended to discuss the entire block, however, it came down to just the small expansion that is currently being proposed. She then asked if people from the entire block were encouraged to attend the meeting. P. Neumeyer stated yes, they were notified by the Neighborhood Association President and notification letters were sent regarding the Comp Plan amendment, rezoning, and PUD amendment.

S. Bremer stated they were to anticipate the possibility of a carwash when they looked at the issue regarding 60 percent of the block, but not the entire block. She feels it changes the whole nature of the situation. She feels rezoning the western part of the block would be a disruption to a neighborhood and is having difficulty understanding why this would be consistent with the Comp Plan. P. Neumeyer stated that it makes sense to round out the block to keep uniformity. Her main concerns with the increased number of parcels include: an increase in traffic, especially since there is a school close by, neighborhood impact for those who live on the other side of John Street and Kimball Street, and light and noise issues.

P. Neumeyer again reiterated that this is an extension of a commercial corridor along Mason Street that runs off of Bellevue. He does believe there is an improved tax base as well. S. Bremer stated she does not see a justification for this request. He stated there is a logical reason to extend the block to square off the property.

K. Flom stated that a comprehensive plan amendment like this deserves a close look. Our recommendation is based on the location, the intersection of Bellevue and Mason, which is more of a commercial intersection, and the fact that there are no homes that front John Street. We would rely on the site plan to make sure there is adequate buffering and landscaping to alleviate the residents on John Street.

S. Bremer asked D. Pamperin if there was a holdout on one of the parcels as it's noted that he has offers on five of the six parcels. He stated that they would not go forward with the development without buying that property. She asked why two weeks ago they were not informed they might be talking about a whole block. He stated he did make mention two weeks ago about acquiring the whole block.

Ald. Tim De Wane was asked by M. Conard how the neighborhood meeting went. Ald. Tim De Wane stated the meeting went well. He stated that everyone was proactive and received a better picture as to what is being developed. He feels this is going to be a great project for the City and will bring success to this area. M. Conard asked if that meeting is the reason why there are no neighborhood residents tonight. Ald. Tim De Wane stated yes, and felt that D. Pamperin provided sufficient information to answer all their questions.

Ald. M. Steuer asked P. Neumeyer about the issues regarding the demolition as this was brought up at the last Common Council meeting. P. Neumeyer did then explain to Ald. M. Steuer what happened and the measures that were taken to fix the situation.

M. Conard returned the meeting to regular order of business.

A conversation then ensued between Commissioners. S. Bremer stated that she cannot support this request as there was a lack of information and communication between all parties involved, and the fact that houses were razed before any type of notification was given to residents. M. Conard agreed regarding the razing of the houses, and that nothing should have been done until all plans were set; however, she does see this development as a very positive thing for the area. Ald. Wiezbiskie stated that he did not like the way this development started out and cannot undue what is already done, however, can move forward.

A motion was made Ald. J. Wiezbiskie, and seconded by T. Duckett to amend the City of Green Bay Comprehensive Plan future land use recommendation for properties generally located in the 1500 Block of East Mason Street and Kimball Street, and the 500 Block of John Street from Low Density Housing (LDH) to Commercial (C), subject to any future developments be included with the adjoining Planned Unit Development (PUD). Motion carried. (Nays – S. Bremer)

4. (ZP 15-08A) Discussion and action on the request to rezone 1576 Kimball Street, Tax Parcel: 8-471, from Low Density Residential (R1) to General Commercial (C1); as well as amending the adjoining Planned Unit Development (PUD) overlay to include the same parcel to permit the construction of a car wash, submitted by Dan Pamperin, Packerland Shell. (Ald. Tim De Wane, District 4).

P. Neumeyer stated that this is a two-part request, the first is the rezoning of 1576 Kimball Street from Low Density Residential (R1) to General Commercial (C1), the second is to extend the adjoining PUD overlay from the convenience store to include the carwash. He did bring to Commissioners attention that Item C of the PUD Draft, #5 should be removed and combined with #3, to clarify rear side yard setback with it reading:

3. Rear yard setback: The car wash shall be no closer than 55' from the Kimball Street right-of-way and shall comply with the requirements found in Chapter 13-1820, Green Bay Zoning.

Affected Property owners within 200 ft. of the project area were notified of the request. No inquiries were received regarding this request. Staff is recommending approval of the request, subject to:

- a. The parcels being combined with the adjacent tax parcel of the Grand Central Station development.
- b. The draft Planned Unit Development (PUD) language.
- c. Approval of CPA 15-03.

S. Bremer stated she could not find within the attached PUD the language that was discussed previously, regarding lighting, landscaping, restaurant hours, neighborhood meetings, and the neighborhood impact in the current carwash draft PUD. P. Neumeyer stated that this PUD is addressing the carwash and it does include the already approved PUD from the previous meeting.

A conversation then ensued between Commissioners regarding whether or not the applicant needs to come back with a final site plan or leave it up to Planning staff to address the wishes and concerns of the Commissioners. S. Bremer stated she would be satisfied with a report from Planning staff after the final site plan has been completed.

A motion was made by S. Bremer, seconded by T. Gilbert to rezone 1576 Kimball Street, Tax Parcel: 8-471, from Low Density Residential (R1) to General Commercial (C1); as well as amending the adjoining Planned Unit Development (PUD) overlay to include the same parcel to permit the construction of a car wash, subject to site plan and PUD review be reported back to the Plan Commission. Motion carried. (Ald. J. Wiezbiskie abstained from voting).

5. (ED 15-01) Discussion and action on the request for an easement discontinuance for a 12 ft. Utility Easement located at 1811 E. Mason Street, submitted by Bob Mach, Mach IV Engineering & Surveying LLC. (Ald. A. Nicholson, District 3)

S. Hummel stated this request is from Tri City Glass & Door as part of an expansion project at their current location on E. Mason Street. The project is currently under site plan review. Both the zoning and comprehensive plan call for Commercial uses. They are looking to abandon a 12 ft. utility easement, which is part of their expansion area. No comments were received from reviewing agencies with the exception of AT&T, who has active cables in this area. A condition of approval was added noting that the cables must be relocated at the applicant's expense. Staff is recommending approval of the request subject to the above condition.

Bob Mach – Mach IV Engineering & Surveying, LLC: B. Mach stated he did follow-up with AT&T regarding cables that need to be moved. However, when they did their survey they did not locate any active cables in the easement that they are looking to discontinue. If there are “active” cables that are found within that easement, then yes, they will be relocated as part of the project.

A motion was made by Ald. J. Wiezbiskie and seconded by S. Bremer to discontinue an easement for a 12 ft. Utility Easement located at 1811 E. Mason Street, subject to the following condition:

- A. All existing Wisconsin Bell, Inc. d/b/a AT&T Wisconsin ("AT&T") cables and facilities installed within the easement must be relocated at the expense of the party requesting the easement discontinuance which includes, but is not limited to, AT&T's expense to acquire a new easement or other suitable location for the relocated cables and facilities. If the party requesting the easement discontinuance does not compensate AT&T in advance for these expenses, this easement discontinuance is null and void with respect to the AT&T cables and facilities, and they may remain in place."

Motion carried.

INFORMATIONAL:

6. (CP 15-03) Condominium Plat for Eaton Heights, submitted by Tina Bunker.

S. Hummel stated this is for information only. She displayed and explained a Condominium Plat for Eaton Heights, located off of Humboldt Road, which is a two building plan for a total of six units. Due to an approved PUD in the early 2000's, final site plans need to come before the Plan Commission. S. Hummel briefly went over zoning, elevation, and other PUD requirements that need to be met. At this point all requirements have been met.

OTHER:

Director's Update on Council Actions

K. Flom reported the following information:

- At the July City Council meeting, everything that was on the July 13, 2015, Plan Commission Report was approved. However, City Council did have an additional discussion regarding the gas station proposal after a closed session. That said, Council action did not change and the project was moved on to the third reading. The next City Council meeting will also contain the Comp Plan amendment and the rezoning and PUD of the carwash from tonight.

SUBMITTED PETITIONS: (for informational purposes only)

A motion was made by S. Bremer and seconded by T. Gilbert to adjourn. Motion carried.

Meeting adjourned at 7:06 p.m.